

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

NATHAN PARKE BATEMAN,)
Petitioner,)
v.) Case No. 2:21-cv-01467-ACA-JHE
WARDEN SEAN SNIDER, et al.,)
Respondents.)

MEMORANDUM OPINION AND ORDER

Petitioner Nathan Parke Bateman filed a second amended *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 7). The magistrate judge recommended that the court grant the respondents' motion for summary dismissal, to the extent Mr. Bateman seeks relief pursuant to 28 U.S.C. § 2241 and dismiss the claims for lack of jurisdiction pursuant to the saving clause of 28 U.S.C. § 2255(e). (Doc. 28). The magistrate judge further recommended that the court notify Mr. Bateman that it intended to recharacterize the petition as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, and grant Mr. Bateman leave to amend or withdraw the motion. (*Id.*); *see Castro v. United States*, 540 U.S. 375, 383 (2003). No objections have been filed.

The parties' failure to file specific objections waives any challenge to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1); 11th Cir. R.

3-1. After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, it is **ORDERED** that the respondents' motion for summary dismissal is **GRANTED**, to the extent Mr. Bateman seeks relief pursuant to 28 U.S.C. § 2241. The court notifies Mr. Bateman that it intends to recharacterize his second amended petition as a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, and warns Mr. Bateman that the recharacterization will subject any subsequent § 2255 motion he files to the restriction on second or successive motions under § 2255(h). *See Castro*, 540 U.S. at 383.

Accordingly, it is **ORDERED** that Mr. Bateman shall have **fourteen days** from the entry date of this memorandum opinion and order to (1) file an amended motion to vacate, set aside, or correct sentence under § 28 U.S.C. § 2255 to include all available claims; or (2) withdraw the motion.

DONE and **ORDERED** this February 24, 2023.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE